United Nations S/AC.44/2013/13

Security Council

Distr.: General
23 July 2013

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 8 July 2013 from the Permanent Mission of Germany to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Germany to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to forward, with reference to the Chair's letter dated 27 February 2012, a report on steps taken by the Federal Republic of Germany to implement Security Council resolutions 1540 (2004) and 1977 (2011) (see annex). Moreover, the German Mission has the honour to communicate below Germany's "1540" points of contact:

Peter Winkler
First Secretary
Permanent Mission of the Federal Republic of Germany
to the United Nations
871 United Nations Plaza
New York, NY 10017
United States of America
Phone: +1 212 940 0429
Fax: +1 212 940 0403
pol-2-1-vn@newy.auswaertiges-amt.de

In Berlin, please contact the following:

Jens Christian Hoch
Referat 240
Federal Foreign Office
10117 Berlin
Germany
Phone: +49-30-18-17-4163
Fax: +49-30-18-17-54163
240-1@auswaertiges-amt.de

Georg Siep
Referat VN01
Federal Foreign Office
10117 Berlin
Germany
Phone: +49-30-18-17-2875
Fax: +49-30-18-17-52875
VN01-1@auswaertiges-amt.de

13-40550 (E) 050813

Please recycle

Annex to the note verbale dated 8 July 2013 from the Permanent Mission of Germany to the United Nations addressed to the Chair of the Committee

Steps taken by the Federal Republic of Germany to implement United Nations Security Council resolutions 1540 (2004) and 1977 (2011)

The Federal Republic of Germany submitted to the Security Council Committee established pursuant to United Nations Security Council resolution 1540 (2004) a comprehensive national report on the implementation of United Nations Security Council resolution 1540 (2004) in October 2004, additional responses to that report in October 2005, and a comprehensive report on German legislation related to Security Council resolution 1540 (2004) in May 2010. Below is a selection of further steps taken towards the implementation of resolutions 1540 (2004) and 1977 (2011) since May 2010:

1. International conventions

Since the last report, Germany has ratified the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material.

2. Enhancing export control

Revision of the German Foreign Trade Act

The German economy is fuelled by exports and Germany has a genuine interest in ensuring that critical goods are delivered to designated and responsible-acting recipients only. With German export control laws having become extremely complex, and almost intelligible for experts only, in June 2013, the German Government announced the revision and updating of the Foreign Trade Act. In this context, the regulation implementing the Foreign Trade and Payments Act, the so-called Foreign Trade and Payments Regulation, will also be thoroughly revised. These revisions will not lower the level of export controls. They are aimed at making rules more clear-cut and comprehensible and at reducing redundancies; for example, national licensing requirements for dual-use goods already superseded by European law shall be repealed in order to enhance export control legislation. Therefore, these revisions will increase the effectiveness of the German export control system and, most importantly, its day-to-day application in practice. The revisions will enter into force on 1 September 2013; they are published in the Federal Law Gazette.

Revision of the European Union Dual-use Regulation

The German dual-use export control regime continued to be strengthened through active implementation of Dual-use Regulation (EC) No. 428/2009. Since Germany's last report on the implementation of resolution 1540 (2004) in 2010, the Dual-use Regulation has been amended twice. Regulation (EU) No. 1232/2011 of 16 November 2011 introduced five new European Union General Export Authorizations for the export of certain dual-use items to certain destinations outside the European Union in order to establish a level playing field of European Union exporters and to enhance their competitiveness. With due consideration to

potential proliferations risks, the new Authorizations facilitate, for example, the export of chemicals and of certain items after their repair or replacement, as well as for temporary exhibitions at fairs. The dual-use control list (annex I to the Dual-use Regulation) has been amended as per regulation No. 388/2012 of 19 April 2012. It incorporates the modifications adopted in the international export control regimes in 2009 and 2010. The regulation entered into force on 15 June 2012 and ensures to adhere to the international commitments with regards to export controls.

3. Combating financing of terrorism and proliferation

Implementation of Financial Action Task Force recommendation 7

Financing of weapons proliferation is a serious threat to international security. In February 2012, the Task Force has adopted a new recommendation to combat the financing of proliferation (recommendation 7). Recommendation 7 requires Task Force members to implement targeted financial sanctions in order to comply with Security Council resolutions relating to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing. Germany welcomes targeted financial sanctions as an effective tool to strengthen global safeguards and further protect the integrity of the financial system, and is implementing this standard.

4. Outreach activities

Industry is an important stakeholder in combating the proliferation of weapons of mass destruction to non-State actors, as it implements the measures taken by States in accordance with resolution 1540 (2004) on a daily basis.

Resolutions 1540 (2004) and 1977 (2011) call upon all States to promote dialogue and cooperation on non-proliferation and underline that international cooperation between States is required to counter the illicit trafficking in nuclear, chemical and biological weapons, their means of delivery and related material.

Moreover, by its resolution 1977 (2011), the Security Council encourages the 1540 Committee to draw on relevant expertise, including civil society and the private sector, to identify effective practices, templates and guidance on implementation efforts (operative para. 12).

The German Government emphasizes continued outreach activities to industry and the general public in order to increase awareness and to ensure effective implementation of export controls.

5. Activities of the German Licensing Authority

Since Germany's last report in 2010, the German Federal Office for Economics and Export Control (BAFA) has hosted two major export control events for more than 400 participants each year (Information Day and Export Control Day). These events provide a forum for German exporters but also for representatives from academia, scientific and research institutions and public authorities for discussing current export control issues. In addition BAFA hosts regular working group meetings with industry association representatives. It also publishes information sheets for the export control community; for instance in 2011, it published a comprehensive information booklet on technology transfer and non-proliferation, as well as one on internal compliance programmes.

6. Germany as an assistance provider

Cooperation programmes in export control of dual-use goods

Since 2006, BAFA has been mandated by the European Union to implement cooperation programmes in export control of dual-use goods with third countries. Currently, BAFA is carrying out the sixth European Union-funded programme in this area, namely, the Long-Term Programme 2011 — the fifth programme implemented by BAFA. Like its predecessors, the current programme, funded by the European Union's instrument for stability, aims at enhancing the effectiveness of export control systems of dual-use goods worldwide, with a view to reducing the risk of proliferation of weapons of mass destruction and related materials, equipment and technologies. The benchmark for the programme's work is Security Council resolution 1540 (2004) and Regulation (EC) No. 428/2009. In the framework of this programme, BAFA currently cooperates with 28 partner countries covering the regions of Eastern Europe, Caucasus, Central Asia, the Middle East, North Africa, South-East Asia, South-East Europe and China. Programme activities include legal reviews aiming at strengthening and enhancing the partner countries' export control legislation, licensing and enforcement workshops, study visits, industry outreach seminars and the organization of international export control conferences (more information can be found at www.eu-outreach.info/eu_outreach/ltp/index.html). BAFA has also been chosen as an implementer in the framework of the European Union's chemical, biological, radiological and nuclear Risk Mitigation Centres of Excellence Initiative (www.cbrn-coe.eu/Projects.aspx).

German projects in the framework of the Group of Eight Global Partnership

German projects within the framework of the Group of Eight Global Partnership continued to reduce nuclear and radiological proliferation risks, especially in the Russian Federation. By modernizing the nuclear security system of civilian nuclear research centres, and of nuclear weapons storage sites alike, in the Russian Federation, the protection of those installations, especially against unauthorized non-State actors, was improved considerably. In 2012, a German Global Partnership project in Ukraine to modernize the transport and storage complex of the only organization in Ukraine comprehensively managing radioactive sources after import and before export, neared completion.

In accordance with paragraph 7 of resolution 1540 (2004), Germany remains committed to assess, as appropriate, requests from States seeking assistance in implementing the provisions of the resolution.

7. 1540 Wiesbaden-Process

In paragraph 12 of its resolution 1977 (2011), the Security Council requested the 1540 Committee, with the support of the group of experts, to identify effective practices, templates and guidance, with a view to developing a compilation and to consider preparing a technical reference guide to resolution 1540 (2004), to be used by States on a voluntary basis in implementing the resolution. In that regard, the Council encouraged the 1540 Committee, at its discretion, to draw also on relevant expertise, including, civil society and the private sector, with, as appropriate, their State's consent.

In this vein, Germany hosted the first Conference of International, Regional and Subregional Industry Associations on United Nations Security Council Resolution 1540 (2004) in Wiesbaden (near Frankfurt/Main) from 23 to 25 April 2012. The event was organized by the German Federal Foreign Office, the Office for Disarmament Affairs of the United Nations Secretariat and the German Federal Office for Economics and Export Control, the latter acting in its capacity as implementing agent for the above-mentioned European Union project "Cooperation in export control of dual-use goods". Additional financial support was provided by the Governments of Norway and the United States of America. The Wiesbaden conference was a novelty in terms of its objective of facilitating awareness-raising and the sharing of experiences and effective practices in implementing resolution 1540 (2004) among industry actors. It had been decided to choose international, regional and subregional industry associations as the primary target group. More than 20 representatives of various industry sectors, including nuclear, biological, chemical, transport, financing and aerospace, participated, representing constituencies of several thousand companies and entities in over 100 countries. Moreover, more than 10 participants from international organizations, as well as additional speakers from relevant industry companies, civil society and academia, contributed to the Conference. The 1540 Committee was represented by Committee members from Pakistan and Germany (Coordinator of the Working Group on Implementation and Monitoring); and two members of the 1540 Monitoring Group participated. Altogether, more than 80 participants accepted the invitation extended by the Government of Germany and the Office for Disarmament Affairs.

The German Government has announced its intention to host a second conference, again in cooperation with the Office for Disarmament Affairs, promoting the implementation of Security Council resolution 1540 (2004) in December 2013 in Wiesbaden. The objective is to build on the momentum created by the 2012 Wiesbaden Conference, in order to further increase awareness and enhance the implementation of resolution 1540 (2004) and its subsequent resolutions, particularly resolution 1977 (2011), through developing and strengthening the partnership between Governments and private industry towards a common goal of preventing technology and materials that can be used by non-State actors for weapons of mass destruction and their means of delivery.

While the 2012 Conference emphasized developing and strengthening the partnership between Governments and private industry in general, the 2013 conference will focus on detailed aspects of the implementation of resolution 1540 (2004) in the area of biosecurity, particularly life sciences and biotechnology. While advances in these sectors have the potential to yield enormous health benefits, they could be exploited for hostile purposes that may cause considerable harm. Therefore, the conference seeks to increase awareness and understanding of these risks and promote effective partnership between industry and Governments.

8. International cooperation

Fifth Berlin Export Control Seminar

Germany continues to facilitate the exchange of experiences in the area of export controls: in the series the "Berlin Export Control Seminars", the Federal Foreign Office and the Federal Ministry of Economics and Technology, in cooperation with BAFA, hosted the fifth edition of the seminar from 6 to 8 June

2012 at the Federal Foreign Office in Berlin. A main theme of the seminar was the exchange of experiences, views and best practices on the roles of licensing and customs authorities in the national export control systems, as well as their interaction and cooperation.

Efficient cooperation between licensing and customs agencies is of vital importance in export control. Issues such as controls of dual-use goods related to weapons of mass destruction, the implementation of international sanctions regimes, export controls of non-listed items and the role of non-State actors pose special challenges in this regard. They were among the many topics that were addressed during the seminar. Representatives from national customs, licensing and enforcement authorities of countries adhering to international export control regimes as well as of some other countries participated in the seminar.

Missile Technology Control Regime Chairmanship

In October 2012, Germany assumed the annually rotating chairmanship in the Missile Technology Control Regime, which is the international regime for coordinating export controls of missiles and other systems for delivering weapons of mass destruction and related technologies. In this capacity, Germany organized and hosted the annual plenary meeting at the Federal Foreign Office in Berlin from 24 to 26 October 2012.

Proliferation Security Initiative

Germany is actively engaged in the Proliferation Security Initiative, which aims at strengthening international cooperation and national capacities to interdict proliferation-related shipments of weapons of mass destruction and related material, as well as their means of delivery to countries of concern. Germany supports the Initiatives "critical capabilities and practices approach", with the goal of strengthening the interdiction capabilities of the Initiative's supporting States by hosting relevant events and the Initiative's website as a means of communication. In 2011, Germany hosted the Proliferation Security Initiative Operational Experts Group meeting in Berlin, and in 2012, organized a Proliferation Security Initiative outreach workshop in Eschborn.